

Archaeological Resources Protection Act Permit

(1) Overview

This permit is required under the Archaeological Resources Protection Act (ARPA), which aims to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites on federal and tribal lands. These resources are considered an irreplaceable part of the nation's heritage. The permit authorizes excavation and/or removal in a manner that prevents uncontrolled excavations resulting in the loss and destruction of these resources.

Agency Issuing Permit – For federal lands, the federal agency having jurisdiction: the Bureau of Land Management (BLM), National Park Service (NPS), U.S. Forest Service, Department of Defense, or U.S. Army Corps of Engineers (Corps). For tribal lands, the Bureau of Indian Affairs (BIA) Portland office.

Statutory Authority – 16 USC Chapter 1B 470; 43 CFR 7.

Regulated Activities – Any activity on federal or tribal land that may impact archaeological resources, as defined in the regulations.

Exempt Activities – Exceptions to permit requirements are in 43 CFR 7.5(b).

Geographic Extent – Federal and tribal lands in the State of Washington.

Types of Permits – Individual ARPA Permit.

Prerequisite Permits and Approvals – Not applicable.

Related Permits and Approvals – A state Archaeological Excavation and Removal permit is not required for excavation on federal or tribal lands.

The issuance of an ARPA permit does not require compliance with Section 106 of the National Historic Preservation Act (see the Environmental Procedures Manual [Chapter 456](#)).

Interagency Agreements – None applicable.

Processing Time – Varies depending on the federal agency having jurisdiction.

Fees – None.

(2) How to Apply

For this permit, WSDOT has developed the procedures listed below. For both federal and tribal lands, the permit application is prepared by a WSDOT cultural resources specialist or an archaeological consultant. The application form is available from the federal land manager or tribal representative.

Work on Federal Land

- (a) During the annual review, the Regions identify potential projects crossing federal lands which may need ARPA permits.
- (b) The permit application is completed by a WSDOT cultural resources specialist or, when a Task Order Document (TOD) using the ESO On-Call Agreements is approved for the project, the archaeological consultant completes an application for an ARPA permit and sends it to the Region involved.
- (c) The Region sends the application to the federal agency having jurisdiction. Each agency has its own internal process in granting permits, thus turnaround time for each application can be different.
- (d) Agencies respond to the Region (not to the archaeological consultant) via a letter giving approval.
- (e) The Region advises the WSDOT cultural resources specialist or the archaeological consultant to proceed with the work.
- (f) The archaeological surveys or reconnaissance are conducted, and when a potentially significant resource is present, it is evaluated for National Register of Historic Places eligibility. When testing indicates there is a significant resource (historic property) present that the project will impact, data recovery may be recommended. A second ARPA permit may be required for data recovery, and the above process is repeated.

Work on Tribal Land

- (a) During the annual archaeological review, the Regions identify Tribal lands where ARPA permits may be needed.
- (b) The permit application is completed by a WSDOT cultural resources specialist or, when a project TOD using the ESO On-Call Agreements is approved for the project, the archaeological consultant completes an application for an ARPA permit and sends it to the Region involved.
- (c) The Region determines which type of Tribal land is involved; Reservation Lands, Allotment Lands on the reservation, or Allotment Lands off the reservation. The Regions then apply for the permit as described below.

For Tribal lands on the Reservation:

- The Region sends an application to the Tribe, requesting a letter of approval. The Tribe should return the application to the Region.
- The Region sends Tribe-approved application to the BIA in Portland, requesting approval.

- BIA responds to the Region via a letter of approval.
- The Region advises the WSDOT cultural resources specialist or the archaeological consultant to proceed with the work.
- The archaeological surveys or reconnaissance are conducted, and when the potential exists that a significant resource may be present, it is evaluated for National Register of Historic Places eligibility. When testing indicates there is a significant resource present that the project will impact, data recovery may be recommended. A second ARPA permit may be required for data recovery, and the above process is repeated.

For Allotment Lands on the Reservation:

- Region requests the allottees' names from the BIA in Portland and/or the BIA office on the Tribal reservation.
- The Region Right of Way Office contacts the allottees requesting written approval or disapproval of the archaeological project. This is done as part of the normal right of way negotiation procedure. The archaeological consultant can assist in that effort as requested by the Region. Fifty-one percent of the allottees on each allotment involved in the project must approve of the archaeological project in order for the permit to be acquired. The number of allottees to a given parcel can sometimes range in the hundreds.
- After allottee approval is obtained, the Region sends an application to the Tribe requesting their approval since they also must agree to give the permit (when the Tribe approves, they can add conditions). The Tribe is requested to return the application to the Region.
- The Region sends the Tribe-approved application to BIA in Portland for approval.
- BIA responds to the Region via letter of approval.
- The Region advises the WSDOT cultural resources specialist or the archaeological consultant to proceed with the work.
- The archaeological surveys or reconnaissance are conducted. If testing indicates there is a resource present that the project will impact, data recovery may be recommended. A second ARPA permit may be required for data recovery, and the above process is repeated.

For Allotment Lands off the Reservation:

- The Region requests the allottees' names from the BIA in Portland and/or the BIA office on the Tribal reservation.
- The Region Right of Way Office contacts the allottees requesting written approval or disapproval of the archaeological project. This is done as part

of the normal right of way negotiation procedure. The WSDOT cultural resources specialist or an archaeological consultant can assist in that effort as requested by the Region. Fifty-one percent of the allottees on each allotment involved in the project must approve of the archaeological project in order for the permit to be acquired. The number of allottees to a given parcel can sometimes range in the hundreds.

- The Region sends approved application to the BIA in Portland for approval.
- BIA responds to the Region via letter of approval.
- The Region advises the WSDOT cultural resources specialist or the archaeological consultant to proceed with the work.
- The archaeological surveys or reconnaissance are conducted. If testing indicates there is a resource present that the project will impact, then data recovery may be recommended. A second ARPA permit may be required for data recovery, and the above process is repeated.

JARPA – Not applicable.

Pre-application Conference – Not applicable.

Special Information Requirements – Information required in the permit application is outlined in the federal regulations at 43 CFR 7.

Public Notice – Not applicable.

Submitting the Application – For work on federal land, the Region submits the application to the regional office of the federal agency having jurisdiction. For work on tribal land, the Region submits the application according to the type of tribal land (see above).

Agency and Public Review – Procedures vary depending on the agency having jurisdiction.

Appeal Process – Any person may appeal the permit issuance, denial, suspension, revocation and terms and conditions of a permit through the administrative procedures of the agency having jurisdiction.

Post permitting Requirements – See the Environmental Procedures Manual [Exhibit 620-2](#) Construction Procedures for Discovery of Archaeological and Historical Objects and Contract General Special Provisions on Discovery of Cultural Resources during Construction.

(3) For More Information

Please see the Environmental Procedures Manual [Chapter 456](#) (Historic, Cultural and Archaeological Resources) for information on environmental

documentation initiated during the NEPA/SEPA process, including relevant statutes, interagency agreements, policy and technical guidance.

(4) Permit Assistance

Before beginning work on this permit, contact the WSDOT regional cultural resources specialist for guidance. Other assistance is available from WSDOT's Environmental Services Office (ESO) Cultural Resource Office. Call Scott Williams, 360-570-6651, willias@wsdot.wa.gov. For assistance on working with the tribes or tribal allottees, please contact your regional Tribal Liaison. If your region does not have a Tribal Liaison, please contact the WSDOT Tribal Liaison, Megan Cotton, 360-705-7494, cottonm@wsdot.wa.gov. Contact the federal land agency manager for additional assistance.